

REMARKS

Status of the Claims

Claims 1-15 are pending in this application. No claims have been canceled, added or amended. Claim 2 has been indicated as allowed. Applicants submit the attached Terminal Disclaimer in support of the allowability of the remaining claims.

Double Patenting Rejections

The Examiner rejects claims 1 and 3-15 under the judicially created obviousness-type double patenting rejection. The Examiner contends that claims 1 and 3-15 are not patentably distinct from claims 1 and 4-15 of USP 6,689,530. Applicants traverse the rejection and respectfully request the withdrawal thereof. Applicants submit herewith a Terminal Disclaimer disclaiming the terminal portion of any patent that issues from this application so that it will expire no later than the expiration date of the '530 patent. As such, this rejection should be withdrawn.

The Examiner provisionally rejects claims 1 and 3-15 under the judicially created obviousness-type double patenting rejection over the pending claims 1, 3, 5, 7 and 9-18 of copending Application Serial No. 10/636,541. The Examiner contends that these claims as currently pending are not patentably distinct from claims 1 and 3-15 of the present application. Applicants traverse the rejection and respectfully request the withdrawal thereof. Applicants submit

herewith a Terminal Disclaimer disclaiming the terminal portion of any patent that issues from this application so that it will expire no later than the expiration date of any patent that issues from copending application '541. As such, this rejection should be withdrawn.

The Examiner also provisionally rejects claims 1 and 3-15 under the judicially created obviousness-type double patenting rejection over the pending claims 1 and 4-15 of copending Published Application No. 2004/0167322. The Examiner contends that these claims are not patentably distinct from claims 1 and 3-15 of the present application. Applicants traverse the rejection and respectfully request the withdrawal thereof. Applicants submit herewith a Terminal Disclaimer disclaiming the terminal portion of any patent that issues from this application so that it will expire no later than the expiration date of any patent that issues from the published application '322. As such, this rejection should be withdrawn.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action by filing a Terminal Disclaimer, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

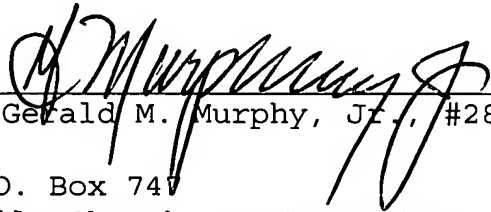
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

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By


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Attachment(s): Terminal Disclaimer